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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10151/2017

BHAGWATI DEVI

..... Petitioner

Through: Petitioner in person.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr Naushad Ahmed Khan, ASC
(Civil), GNCTD with Ms Ritu
Kumari and Ms Urvashi Tripathi,
Advocate for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.11.2017

CM No.41471/2017

1. Allowed, subject to all just exceptions.

W.P.(C) 10151/2017

2. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to respondent no.2 to issue a Death Certificate with respect to her husband. The petitioner claims that her husband, Sh Babu Lal, has been missing since 05.02.1996. A complaint in this regard was also lodged with P.S Raghbir Nagar, Delhi on 15.03.1996. However, the petitioner's husband has not been found as yet.

3. The petitioner had applied to the office of SDM, Patel Nagar, Delhi for issue of the Death Certificate on 01.03.2017. The concerned Executive Magistrate, Patel Nagar, responded to the said application, by a letter dated

09.03.2017, and called upon the petitioner to attend his office for further proceedings.

4. Mr Naushad Ahmed, learned counsel who appears for the respondents on advance notice states that the concerned inquiry is to be conducted by the Executive Magistrate, Patel Nagar and not by respondent no.2. He states that after the investigation is complete, a report would be submitted to the Registrar of Births and Deaths, who would then issue the necessary certificate.

5. In view of the above statement, the present petition is disposed of by directing the concerned authority to conduct the necessary investigation as expeditiously as possible. The petitioner is directed to appear before the Executive Magistrate, Patel Nagar on 07.12.2017 at 11:00 AM, in the first instance, for the necessary proceedings. The SHO, PS Raghbir Nagar shall also be present before the Executive Magistrate with all relevant records on the said date. In the event the concerned authority is satisfied, he shall do the needful to ensure that the Registrar issues the death certificate as desired by the petitioner.

6. The petition is disposed of with the aforesaid directions.

VIBHU BAKHRU, J

NOVEMBER 23, 2017
MK